IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5976 of 2005

Between:

Smt.R.V.Ramanamma, d/o Surappadu, Fair Price Shop Dealer,
Borigivalasa Village, Narasnnapet Mandal,

Srikakulam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Narsannapet Mandal,

Srikakulam District.
2 The Revenue Divisional Officer, Srikakulam.
3 The Joint Collector, Srikakulam.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of MANDAMUS declaring the order dated 15-2-2005 in SRA No.10/2005-S2 of the 3rd respondent and order in Rc.No.2202/04/H dated 1-12-04 of the 2nd respondent as illegal, irregular, arbitrary, unjustified and unsustainable and set aside them holding that the petitioner is entitled to continue as Fair Price Shop dealer Borigivalasa Village, Narsannapet Mandal, Srikakulam District and pass such other order or orders as it may deem fit.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents1 to 3: G.P. FOR CIVIL SUPPLIES

The Court at the stage of admission made the following

ORAL ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies appearing on behalf of the respondents.

2. The whole grievance of the petitioner is that against the order of the competent authority-the Revenue Divisional Officer, Srikakulam, suspending his authorization of the Fair Price Shop dealer of Borigivalasa Village, Narasannapeta Mandal, Srikakulam District, an appeal has been preferred before the appellate authority-the Joint Collector, Srikakulam. But, the appellate authority did not entertain the interim application seeking stay of the orders passed by the competent authority.

3. It is the contention of the learned counsel for the petitioner that an enquiry has to be conducted by the competent authority before passing any order of suspension.

4. Having regard to the facts and circumstances, and since the matter is still pending with the appellate authority,
I deem it fit to dispose of the writ petition at the stage of admission with the following directions:

i. The order of suspension of authorization of the petitioner, dated 01-12-2004 is kept in abeyance pending passing of final orders by the appellate authority

ii. Pending passing of final orders by the appellate authority, the respondents shall release the stocks of essential commodities to the petitioner and the petitioner shall be allowed to distribute the same to the cardholders.

iii. The appellate authority shall dispose of the appeal, as expeditiously as possible, preferably within six weeks from the date of receipt of a copy of this order.

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D.S.R.VARMA, J

23rd March 2005

Note:

Issue CC in three days

(B/o.)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Narsannapet Mandal,

Srikakulam District.
2 The Revenue Divisional Officer, Srikakulam.
3 The Joint Collector, Srikakulam.

4 Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).

5 Two CD copies